

Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (CURRENTLY AMENDED) A *Phaseolus vulgaris L.* garden bean seed designated '210104', wherein a sample of said seed has been deposited under NCIMB No. 41260.
2. (ORIGINAL) A plant, or its parts, produced by growing the seed of claim 1.
3. (ORIGINAL) Pollen of the plant of claim 2.
4. (ORIGINAL) An ovule of the plant of claim 2.
5. (PREVIOUSLY PRESENTED) A *Phaseolus vulgaris L.* garden bean plant, or its parts, having all of the physiological and morphological characteristics of the garden bean plant of claim 2.
6. (CURRENTLY AMENDED) A tissue culture of regenerable cells of a bean plant of variety '210104', wherein the tissue regenerates plants capable of expressing all the morphological and physiological characteristics of *Phaseolus vulgaris L.* bean line '210104', representative seeds having been deposited under NCIMB No. 41260.
7. (ORIGINAL) The tissue culture of claim 6, selected from the group consisting of protoplast and calli, wherein the regenerable cells are derived from embryo, meristematic cells, leaves, pollen, embryo, root, root tips, stems, anther, flowers, seeds or pods.
8. (CURRENTLY AMENDED) A *Phaseolus vulgaris L.* garden bean plant regenerated from the tissue culture of claim 6, wherein the regenerated plant has all the morphological and physiological characteristics of *Phaseolus vulgaris L.* bean plant '210104', representative seeds having been deposited under NCIMB No. 41260.
9. (ORIGINAL) A method for producing a garden bean seed comprising crossing a first parent garden bean plant with a second parent garden bean plant and harvesting the resultant hybrid garden bean seed, wherein said first or second parent garden bean plant is the *Phaseolus vulgaris L.* garden bean plant of claim 2.

10 – 32. (CANCELED)

33. (PREVIOUSLY PRESENTED) A method of producing an herbicide resistant bean plant comprising transforming the bean plant of claim 2 with a transgene that confers herbicide resistance.

34. (PREVIOUSLY PRESENTED) An herbicide resistant bean plant produced by the method of claim 33.

35. (PREVIOUSLY PRESENTED) The bean plant of claim 33, wherein the transgene confers resistance to an herbicide selected from the group consisting of imidazolinone, sulfonylurea, glyphosate, glufosinate, L-phosphinothricin, triazine and benzonitrile.

36. (PREVIOUSLY PRESENTED) A method of producing an insect resistant bean plant comprising transforming the bean plant of claim 2 with a transgene that confers insect resistance.

37. (PREVIOUSLY PRESENTED) An insect resistant bean plant produced by the method of claim 36.

38. (PREVIOUSLY PRESENTED) The bean plant of claim 37, wherein the transgene encodes a *Bacillus thuringiensis* protein.

39. (PREVIOUSLY PRESENTED) A method of producing a disease resistant bean plant comprising transforming the bean plant of claim 2 with a transgene that confers resistance to bacterial, fungal or viral disease.

40. (PREVIOUSLY PRESENTED) A disease resistant bean plant produced by the method of claim 39.

41. (CURRENTLY AMENDED) A method of introducing a desired trait into bean cultivar '210104' comprising:

(a) crossing the bean cultivar '210104' plants grown from the bean cultivar '210104' seed, representative seed of which has been deposited under NCIMB No. _____ 41260 with plants of another bean cultivar that comprise a desired trait to produce F1 progeny plants, wherein the desired trait is selected from the group consisting of

herbicide resistance, insect resistance, resistance to bacterial disease, resistance to fungal disease or resistance to viral disease;

- (b) selecting F1 progeny plants that have the desired trait to produce selected F1 progeny plants;
- (c) crossing the selected F1 progeny plants with the bean cultivar '210104' plants to produce backcross progeny plants;
- (d) selecting for backcross progeny plants that have the desired trait and physiological and morphological characteristics of bean cultivar '210104' listed in the Variety Description Information to produce selected backcross progeny plants; and
- (e) repeating steps (c) and (d) three or more times in succession to produce selected second or higher backcross progeny plants that comprise the desired trait and the physiological and morphological characteristics of bean cultivar '210104' listed in the Variety Description Information as determined at a 5% significance level when grown in the same environmental conditions.

42. (PREVIOUSLY PRESENTED) A bean plant produced by the method of claim 41, wherein the plant has the desired trait and the physiological and morphological characteristics of bean cultivar '210104' listed in the Variety Description Information as determined at a 5% significance level when grown in the same environmental conditions.